

Decision No. 23173.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of the People of the State of California, on relation of the Department of Public Works, Division of Highways, for an order authorizing the construction of a State highway overgrade crossing over the tracks of the Atchison, Topeka & Santa Fe Railway Company at Essex, San Bernardino County, known as the Essex overgrade crossing.

ORIGINAL

Application No. 16986.

BY THE COMMISSION:

O R D E R

The People of the State of California on relation of the Department of Public Works, Division of Highways, on November 1, 1930, applied for permission to construct a State Highway known as road VIII-SBd-58-L at separated grades above and a temporary crossing at grade over the main line tracks of The Atchison, Topeka and Santa Fe Railway Company in the vicinity of Essex, County of San Bernardino, California. The Atchison, Topeka and Santa Fe Railway Company on November 26, 1930, signified in writing that it has no objection to the construction of said overgrade crossing and temporary grade crossing. It appearing that a public hearing is not necessary herein; that it is in the interest of public convenience and necessity that the overgrade crossing be constructed; that the temporary crossing at grade is necessary; and, that the application should be granted subject to certain conditions,

IT IS HEREBY ORDERED that the People of the State of California on relation of the Department of Public Works, Division of Highways, is authorized to construct a State Highway

known as road VIII-SBd-58-1 at separated grades over the main line tracks of The Atchison, Topeka and Santa Fe Railway Company in the vicinity of Essex, County of San Bernardino, State of California, at the location as shown by the plans (Exhibit "A") attached to the application, subject to the following conditions:

- (1) The above crossing shall be identified as Crossing No. 2-623,72-A.
- (2) The entire expense of constructing and thereafter maintaining the crossing in good and first class condition for safe and convenient use of the public shall be borne in accordance with an agreement approved by this Commission, a certified copy of which shall be filed within ninety (90) days after the date hereof. Should said agreement not be filed within the above time and further time not be granted by subsequent order, said costs shall be apportioned by supplemental order herein.
- (3) Applicant shall file, for approval, within ninety (90) days, from the date hereof and prior to the commencement of construction, a set of plans for said crossing, which plans shall have been approved by the interested parties.
- (4) Said crossing shall be constructed with clearances conforming to the provisions of our General Order No. 26-C.
- (5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (6) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof unless further time is granted by subsequent order.

IT IS HEREBY FURTHER ORDERED that the People of the State of California on relation of the Department of Public Works, Division of Highways, is hereby authorized to construct a temporary road at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company adjacent to the grade separation hereinbefore authorized and as shown on the plans (Exhibit "A") attached to the application, subject to the following conditions:

- (1) The entire expense of constructing and maintaining the temporary crossing at grade shall be in

accordance with an agreement approved by this Commission, a certified copy of which shall be filed within ninety (90) days after the date hereof. Should said agreement not be filed within the above time and further time not be granted by subsequent order, said costs will be apportioned by supplemental order herein.

- (2) The crossing shall be constructed of a width of not less than twenty (20) feet and at an angle to the railroad as shown on the plans (Exhibit "A") attached to the application and with grades of approach not exceeding six (6) per cent; shall be constructed equal or superior to type shown as Standard No. 1 in our General Order No. 72 and shall be protected by a Standard No. 1 crossing sign as specified in our General Order No. 75; and, shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (3) Applicant shall, upon the completion of the construction of the overgrade crossing hereinbefore authorized, abandon and effectively close to use and travel the temporary crossing at grade herein authorized.
- (4) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper and to revoke its permission if, in its judgment, public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 12th day of December, 1930.

C. C. Seaver
Leon Whiteley
John D. Smith

Commissioners